

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Richmond Division)**

U.S. BANK NATIONAL ASSOCIATION

Plaintiff,

v.

Case No. 3:13CV764

TABAC, LC, *et al.*

Defendants.

CONSENT JUDGMENT

This matter came before the Court on the Joint Motion for Entry of Judgment by Consent as to Count I of the Verified Amended Complaint for Money Damages, Appointment of a Receiver, Injunctive and Other Relief (the “Amended Complaint”) filed by Plaintiff, U.S. Bank National Association (“U.S. Bank or “Plaintiff”), and the Defendant TABAC, LC (“TABAC”). As set forth by the signatures of counsel for the U.S. Bank and TABAC below, the issues related to U.S. Bank’s claim for a money judgment under Count I of the Amended Verified Complaint for Money Damages, Appointment of a Receiver, Injunctive, and Other Relief (the “Amended Complaint”) [Doc. No. 9] have been resolved by this Consent Order. It is, therefore, hereby

ORDERED, as follows:

1. That judgment be, and the same hereby is, entered in favor of the Plaintiff, U.S. Bank National Association, and against the Defendant, TABAC, LC, as to Count I of the Amended Complaint, in the amount of Twenty-Five Million Seven Hundred Thirty-Five Thousand Nine Hundred Fifty-Six and 25/100 Dollars (\$25,735,956.25), plus additional pre-judgment interest from and after December 23, 2013 until entry of judgment on the principal balance of Twenty-Five Million Two Hundred Forty-Eight Thousand Three Hundred Fifty and No/100 Dollars (\$25,248,350.00) at the default rate of 7.515% *per annum* or Five Thousand Two

Hundred Seventy and 59/100 Dollars (\$5,270.59) *per diem*, which rate may change with changes in the applicable rates of interest under the Loan Documents, interest on the judgment at the rate allowed by 28 U.S.C. § 1961(a), which as of the date of entry of this judgment is ^{0.13} ~~8~~ % *per annum* ^{REP}, reasonable attorneys' fees incurred in enforcing the Loan Documents and collecting the TABAC Indebtedness in the amount of Seventy-Seven Thousand Eight Hundred and 50/100 Dollars (\$77,800.50), and court costs.

2. Nothing in this Order shall affect U.S. Bank's right to seek to collect on TABAC's obligations under the SWAP Master Agreement and related documents, as that phrase is defined in the Amended Complaint.

Entered this 5th day of January, 2014.

/s/ REP
Robert E. Payne, United States District Court Judge

WE ASK FOR THIS:



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